

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

CIVIL ACTION NO. 13-123-KSF

FEDERAL TRADE COMMISSION, *et al.*

PLAINTIFFS

v.

ORDER

FORTUNE HI-TECH MARKETING, INC., *et al.*

DEFENDANTS

* * * * *

This matter is before the Court upon the Order & Recommended Disposition entered by Magistrate Judge Robert E. Wier on May 10, 2013 [DE #114] after conducting a status conference necessitated by the transfer of this action to this District on May 1, 2013 by United States District Judge John W. Darrah of the Northern District of Illinois. In his Order, Magistrate Judge Wier set out the pending matters and established a briefing schedule for those motions. The Order also sets this matter for a Preliminary Injunction Hearing before this Court on May 28, 2013. Finally, Magistrate Judge Wier addressed the pending TRO that is set to expire at midnight on May 14, 2013, concluding that there was good cause to extend the expiration date until May 28, 2013 for the following reasons:

(1) the parties' prior stipulation (DE #28) arguably extended the TRO from its initial expiration until the date of ruling on the temporary injunction, and at least until March 15, 2013; (2) much of the delay in the case to this point results from the transfer motion, which displaced other motions and necessarily introduced a gap (from mid-February until May) in reaching the preliminary injunction; (3) Judge Darrah's striking of the brief at DE #57 essentially left the show cause order unanswered and the motion for injunction unopposed on the record, between February 26 and reinstatement of the brief today; (4) the hearing now is set for only eighteen days away, a period that will allow completion of briefing and consideration

of Defendants' multiple pending requests. These factors coalesce to establish good cause for extension of the TRO until May 28, 2013, subject to further orders of Judge Forester.

The Court, after review of the record, agrees with Magistrate Judge Wier that good cause under Rule 65(b)(2) of the Federal Rules of Civil Procedure exists for extending the TRO until the Preliminary Injunction hearing on May 28, 2013. Accordingly, the Court, being fully and sufficiently advised, hereby **ORDERS** that the TRO remains in full force and effect is extended until completion of the Preliminary Injunction hearing scheduled for May 28, 2013.

This May 14, 2013.



Signed By:

Karl S. Forester K S F

United States Senior Judge